IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.573 of 1999

Jagdish (since deceased) through his LRS Bhanwar Lal & Others.

Versus

Gulab Chand & Others.

Date of Order ::: 05/12/2006

Hon'ble Mr. Narendra Kumar Jain, J.

Mr. A.L. Verma, Counsel for defendant-appellants.
Mr. R.S. Mehta, Counsel for plaintiff-respondents

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondents filed a suit for permanent injunction based on easementary right, which was decreed by the Lower Court. The judgment and decree passed by the Lower Court has been affirmed by the First Appellate Court also.

I have heard learned counsel for both the parties and after considering their submissions in the light of the findings of both the Courts below, I find

that the controversial issues involved in the present case relate to the question of facts and there is a concurrent finding of fact by both the Courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

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